

REMARKS

Applicants wish to thank the Examiner for his indication that claims 3, 14-24, and 26-28 would be allowable if amended to overcome the Section 112 rejections and, where necessary, rewritten in independent form.

Claims 1-28 were rejected under 35 U.S.C. 112, first and second paragraph. The Examiner indicates that the term "apparently dry" is indefinite and does not teach the moisture content of the final material. Applicants respectfully traverse these rejections. Applicants submit that the term "apparently dry" is clearly defined in the specification at page 9, line 24, to page 10, line 4, as requiring that the material pass published EPA Test Method 9095A. Applicants respectfully request that these rejections be withdrawn.

Claims 1, 2, 4-13, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Spears et al (U.S. Patent No. 5,288,728) in view of Honeycutt (U.S. Patent No. 5,275,509). Applicants respectfully traverse this rejection.

In Applicants' invention, waste photographic processing solutions are disposed of in a specific manner to lower their hazard rating and to convert the aqueous waste to apparently dry waste. This is done by first combining the bleach and developer waste solutions to oxidize the developing agent in the developer and form a developer/bleach waste solution. The developer/bleach waste solution is then contacted with the absorbent material to form an apparently dry waste material. The treated silver bearing solutions may be added to the developer/bleach solution prior to contact with the absorbent material, or they may be treated as a separate waste stream and contacted with a second absorbent material resulting in two separate apparently dry waste materials. An important part of Applicants' invention requires the complete oxidation of the color developing agent in the waste effluent. Therefore, it is very important that the waste bleach solution be contacted with the waste developer solution prior to mixing the solutions with any silver bearing waste solutions such as a fixer. Applicants state at page 5, line 14, that in order to assure that there is sufficient bleaching agent in its oxidized form to convert the reduced developing agent to its oxidized form requires that the color developer solution and the bleach solution be mixed together before being combined with the other process waste streams coming from the fixer and rinse steps.

In contrast, Spears is mainly directed at precipitating silver from a mixture of seasoned photographic solutions. At column 3, line 55, Spears states that the seasoned solutions can comprise combined minilab effluent solutions such as a combined fixer, bleach fixer, stabilizer, and bleach solution. Spears does also state that the combined solutions can include a seasoned developer solution. Spears, however, provides no guidance as to the order in which the solutions must be mixed or combined and, in fact, appears to indicate that they can all just be mixed together. Additionally, Spears tends to teach away from including seasoned developer by teaching that when seasoned developer is present, it can result in a larger complex particle size, longer complex settling times, and more flocculent. The examples in Spears do not contain any seasoned developer, and the claims of Spears do not include seasoned developer as one of the seasoned photoprocessing solutions. Therefore, one looking to Spears for guidance would first not be inclined to include a seasoned photographic developer in the combined seasoned processing solutions; and secondly, would certainly be unlikely to combine the seasoned developer with the seasoned bleach solution prior to combination with the other seasoned processing solutions.

Honeycutt also teaches away from Applicants' invention. Honeycutt is directed to combining a fixer and developer solution. It makes no mention of a waste bleach solution. As noted above Applicants clearly teach that the bleach and developer solutions must be combined prior to any contact with the fixing solution. Therefore, neither reference nor the combination of the two teaches or suggests combining a waste bleach solution with a waste developer solution and then treating the developer/bleach solution with an absorbent material.

Applicants also wish to point out that secondary considerations would indicate it is not obvious to combine the two cited references. The technical area of treating photographic effluent has garnered a great deal of attention in recent years given ever stricter environmental standards both inside and outside of the United States. Even in light of all the activity in this area, over six years had passed between the issuance of Spears and Honeycutt and the current application. This would certainly indicate that it was not obvious to those skilled in the art to combine these two references to arrive at Applicants' invention.

In light of the above remarks, Applicants respectfully request that the claims as filed be allowed.

Respectfully submitted,

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